

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:14-CR-107-BR

UNITED STATES OF AMERICA

v.

TAUREAN RAHSAAN DAVIS

ORDER

This matter is before the court on defendant's letters dated 18 and 27 July 2016. (DE ## 92, 94.) In his earlier letter, defendant requests copies of several court documents and that his "appeal be stayed in light of Johnson v. United States, . . . Welch v. United States, . . . and Beckles v. United States . . . of the §2255 judgment of denial." (DE # 92.) In his later letter, he indicates that the documents the court sent were "helpful," but he requests additional information and states, "I would like to know the status of the motion letter for request for reconsideration in light of Beckles v. United States, 135 S. Ct. 2928[] (2015). Or consider this as a request for reconsideration." (DE # 94.) The government filed a response to both letters. (DE # 95.)

At the outset, the court notes that there is no appeal pending in this case, and therefore, no appeal to stay. Furthermore, it is not entirely clear what defendant wants the court to reconsider. Within the past year, the most significant orders were the denial of defendant's motion to withdraw his guilty plea (which defendant had styled as a § 2255 motion) on 6 June 2016 and defendant's re-sentencing on 9 June 2016, with the amended judgment being entered on 10 June 2016. To the extent the court can reconsider either the order or amended judgment, any motion for reconsideration must be filed within the time period for appeal, that is, within 14 days of the entry of the order or judgment sought to be reconsidered. See Fed. R. App. P. 4(b)(1)(A)(i); United States v. Moore, 636 F. App'x 882, 882 (4th Cir. 2016) (holding that the district court should have considered defendant's motion for reconsideration within the 14-day period

to appeal). Assuming defendant deposited each letter in the prison mailing system on the letter's date, the letters were filed well beyond that 14-day period. Therefore, defendant's letters, to the extent they could be deemed motions, are DENIED as untimely.

This 6 October 2016.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge